

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )  
                                  )  
LARRY L. HATHAWAY,            )  
                                  )  
Defendant.                    )

8:14CR312

ORDER

This matter is before the court on the joint motion to continue trial by defendant Larry L. Hathaway (Hathaway) and the government (Filing No. 32). The parties seek a continuance of the trial of this matter which was scheduled for June 27, 2016. The court held a telephone conference with counsel on May 31, 2016. The additional time is required for both parties to review additional materials produced by the Federal Emergency Management Agency (FEMA) and prepare exhibits and witnesses for trial. Hathaway's counsel represents that Hathaway will file an affidavit whereby Hathaway consents to the motion and acknowledges he understands the additional time will be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. The joint motion to continue trial (Filing No. 32) is granted.
2. Trial of this matter is re-scheduled for **October 11, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 2, 2016, and October 11, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 2nd day of June, 2016.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge